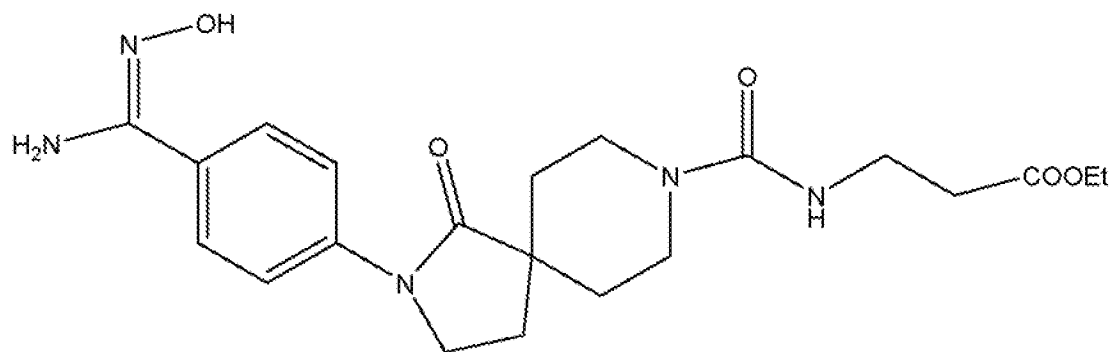


**Remarks**

Claims 1-42 are pending in the present Application. Applicant herein elects with traverse the claims of Group II, including claims 13-24. Applicant further makes species elections with traverse, of 1) compound ML464 represented by the formula



; and 2)

melanoma as specific cancer cell type or specific tumor species. Applicant believes the claims of Group II that would encompass these species are claims 13-21 and 23. The elections are made with traverse, for reasons set forth below.

In the Restriction Requirement of May 13, 2008, the PTO assigned the claims to the following Groups.

- Group I:** Claims 1-12, which the PTO described as “drawn to a method for treating, preventing or inhibiting tumor cell metastasis in a subject comprising administering in need of such therapy (*sic*) a therapeutically effective amount of an activated  $\alpha\text{IIb}\beta_3$  receptor antagonist.”
- Group II:** Claims 13-24, which the PTO described as “drawn to a method of preventing or inhibiting tumor non-metastatic cell formation in a subject in need of such therapy a therapeutically effective amount of an activated  $\alpha\text{IIb}\beta_3$  receptor antagonist.”
- Group III:** Claims 25-36, which the PTO described as “drawn to a method of destroying a tumor in subject comprising administering to the subject in need of such therapy a therapeutically effective amount of an activated  $\alpha\text{IIb}\beta_3$  receptor antagonist.”

**Group IV:** Claim 37 which the PTO described as “drawn to a method for treating, preventing or inhibiting tumor cell metastasis to bone in a subject comprising replacing substantially all bone marrow affected by tumor cell metastasis transplant in the subject, wherein said bone marrow is replaced by  $\beta$ 3-1 bone marrow.”

**Group V:** Claims 38-42, which the PTO described as “drawn to a method of destroying a tumor in subject comprising administering to the subject in need of such therapy a therapeutically effective amount of an activated  $\alpha$ ii $\beta$ 3 receptor antagonist.”

In the Restriction requirement, the PTO also required election of species pertaining to all Groups. In particular, the PTO required election of “1) a single chemically defined  $\alpha$ ii $\beta$ 3 receptor antagonist compound, wherein each optional group is specifically indicated...; and 2) a single specific cancer cell type or single specific tumor species as appropriate e.g. melanoma cells or melanoma...”

Applicant herein traverses all claim Group and species elections. The elections are made with traverse, because a restriction requirement is proper only if there would be a serious burden on the examiner if restriction is not required. MPEP § 808.02. Hence, in order to make a restriction, the PTO must show by appropriate explanation at least one of the following: (A) Separate classification; (B) A separate status in the art when they are classifiable together; or (C) A different field of search. MPEP § 808.02. However, the PTO has not, in this case, shown that claim Groups or species require a separate classification, have a separate status in the art when they are classifiable together, or are in a different field of search. For example, the PTO does not show that there would be a serious burden for examination to include both compounds ML464 and ML728 as set forth in claims 24 and 23, respectively. Accordingly, Applicant requests reconsideration and withdrawal of the Restriction Requirement, including claim Group and species restrictions.

Claim amendments

Applicant herein amends claims 13-17 and 24, cancels claim 22, and withdraws all other claims. All amendments, withdrawals and cancellations are made without prejudice or waiver. In addition, Applicant reserves the right to traverse the PTO's characterizations of the claims.

Support for the amendment of claim 13 can be found at least on claim 13 as originally set forth in the application, and on page 19 lines 34-37.

Support for all other claim amendments can be found at least on the claims as originally set forth in the application.

**Conclusion**

As it is believed the application is in a condition for allowance, Applicant requests prompt and favorable action.

If the PTO believes that a telephone interview would be of benefit towards advancing prosecution of the application, Applicant invites the Examiner to contact the undersigned attorney. Because this response is submitted within the shorten statutory period for reply set to expire one month from the mailing date of May 13, 2008, Applicant believes that there is no fee due. If the PTO determines that a fee is due, the Commissioner is hereby authorized to credit any overpayment or to charge any deficiency in connection with this filing to Deposit Account 19-3140.

Dated: June 13, 2008

Respectfully submitted,

/Saul L. Zackson/

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